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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,918	06/26/2003	Fred S. Cook	2182(16166)	5738
33272 7590 03/20/2007 SPRINT COMMUNICATIONS COMPANY L.P. 6391 SPRINT PARKWAY MAILSTOP: KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			EXAMINER FORD, GRANT M	
			ART UNIT	PAPER NUMBER
			2141	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/606,918	COOK, FRED S.	
	Examiner	Art Unit	
	Grant Ford	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6-26-2003</u>   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kabie et al. (6,795,445) hereinafter referred to as Kabie.

a. As per claims 1 and 10, Kabie discloses a method comprising the steps of:

interconnecting a plurality of physical processing components within said network for providing a plurality of virtual processing elements that are accessible by respective network traffic paths (Figures 2,5-6, Col. 2 lines 40-65, Col. 5 lines 11-19, Col. 7 line 56 through Col. 8 line 13);

representing a pool of said virtual processing elements using a resource aggregator, each virtual processing element having a capacity allocable according to a respective communication transfer rate (Col. 6 line 40 through Col. 7 line 19, Col. 8 lines 42-64);

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receiving a reservation request for utilizing specified processing resources (Col. 7 lines 31-47, Col. 8 line 65 through Col. 9 line 8);

said resource aggregator identifying at least one virtual processing element for providing capacity to satisfy said reservation request in response to said respective communication transfer rate (Col. 2 lines 52-65, Col. 5 lines 31-48, Col. 6 lines 57-67); and

allocating use of a respective network traffic path to service said reservation request in response to said identified virtual processing element (Col. 7 lines 31-55).

b. As per claim 2, Kabie discloses wherein said plurality of virtual processing elements includes multiple component types for performing respective processing operations (Figure 2).

c. As per claim 3, Kabie discloses wherein said pool includes composite resource sets combining said respective processing operations to implement a predetermined composite service, each composite resource set being comprised of a plurality of said multiple component types (Figure 2, Col. 6 line 40 through Col. 7 line 19).

d. As per claim 4, Kabie discloses wherein said respective processing operations within a composite resource set are characterized by predetermined interactions for integrating said processing operations into a service function (Col. 2 lines 10-18 and 52-65, Col. 8 lines 6-31).

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e. As per claim 5, Kabie discloses wherein said processing operations include a data manipulation function and a storage function (Col. 7 lines 9-19 and 48-55).

f. As per claim 6, Kabie discloses wherein each of said composite resource sets further comprises at least one transport link within said network for connecting said multiple component types (Figure 2, Col. 6 line 40 through Col 7 line 19).

g. As per claim 7, Kabie discloses wherein said network is comprised of an IP network and wherein said step of allocating use of a respective network traffic path is comprised of sending an IP message in a bandwidth reservation request (Col. 7 lines 31-47, Col. 8 lines 6-24 and line 65 through Col. 9 line 8).

h. As per claim 8, Kabie discloses wherein said network is comprised of an IP network and wherein said network traffic paths are comprised of label-switched paths (Col. 4 lines 27-30, Col. 6 lines 40-47, Col. 7 line 56 though Col 8 line 5).

i. As per claim 9, Kabie discloses wherein said network is comprised of an ATM network and wherein said network traffic paths are comprised of ATM virtual paths (Col. 4 lines 22-26, Col. 6 lines 40 through Col 7 line 8).

j. As per claim 11, Kabie discloses wherein said processing operations include a data manipulation function and a storage function (Col. 7 lines 9-19 and 48-55).

k. As per claim 12, Kabie discloses wherein each of said service resource sets further comprises at least one transport link within said network for connecting said virtual network elements (Figure 2, Col. 6 line 40 through Col 7 line 19).

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l. As per claim 13, Kabie discloses wherein said network is comprised of an IP network and wherein said step of allocating said selective service resource set is comprised of sending an IP messages in a bandwidth reservation protocol (Col. 7 lines 31-47, Col. 8 lines 6-24 and line 65 through Col. 9 line 8).

m. As per claim 14, Kabie discloses wherein said network is comprised of an IP network and wherein said transport link is comprised of a label-switched path (Col. 4 lines 27-30, Col. 6 lines 40-47, Col. 7 line 56 though Col 8 line 5).

n. As per claim 15, Kabie discloses wherein said network is comprised of an ATM network and wherein said transport link is comprised of an ATM virtual path (Col. 4 lines 22-26, Col. 6 lines 40 through Col 7 line 8).

o. As per claims 16 and 17, Kabie discloses an apparatus for providing a data processing service comprising:

a network including a plurality of transport links (Abstract);

a plurality of physical processing components connected within said network for advertising a plurality of virtual processing elements that are accessible by respective network traffic paths, each virtual processing element having a capacity allocable according to a respective communication transfer rate (Abstract, Figures 2,5-6, Col. 2 lines 40-65, Col. 5 lines 11-19, Col. 7 lines 31-47 and line 56 through Col. 8 line 13, and Col. 8 line 65 through Col. 9 line 8);

a resource aggregator connected within said network for representing a pool of said advertised virtual processing elements, receiving a reservation request for utilizing specified processing resources, identifying at least one virtual processing

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element for providing capacity to satisfy said reservation request in response to said respective communication transfer rate, and allocating use of a respective network traffic path to service said reservation request in response to said identified virtual processing element (Col. 2 lines 52-65, Col. 5 lines 31-48, Col. 6 line 40 through Col. 7 line 19, Col. 8 lines 42-64).

p. As per claim 18, Kabie discloses wherein said processing operations include a data manipulation function and a storage function (Col. 7 lines 9-19 and 48-55).

q. As per claim 19, Kabie discloses wherein each of said service resource sets further comprises at least one transport link within said network for connecting said virtual network elements (Figure 2, Col. 6 line 40 through Col 7 line 19).

r. As per claim 20, Kabie discloses wherein said network is comprised of an IP network and wherein said step of allocating said selective service resource set is comprised of sending an IP messages in a bandwidth reservation protocol (Col. 7 lines 31-47, Col. 8 lines 6-24 and line 65 through Col. 9 line 8).

s. As per claim 21, Kabie discloses wherein said network is comprised of an IP network and wherein said transport link is comprised of a label-switched path (Col. 4 lines 27-30, Col. 6 lines 40-47, Col. 7 line 56 though Col 8 line 5).

t. As per claim 22, Kabie discloses wherein said network is comprised of an ATM network and wherein said transport link is comprised of an ATM virtual path (Col. 4 lines 22-26, Col. 6 lines 40 through Col 7 line 8).


***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grant Ford whose telephone number is (571)272-8630. The examiner can normally be reached on 8-5:30 Mon-Thurs alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gmf

  
**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**